60. [1]

ARTICLES OF High Misdemeanours,

Humbly offered and Presented to the Consideration of

His Most Sacred Majesty,

AND HIS

Most Honourable Privy COUNCEL,

AGAINST

Sir William Scrogs

Lord Chief Justice of the *KINGS BENCH*,

Exhibited by

Dr. Oats, and Captain Bedlow,

Together with his Lordships Answer thereunto.

I.

THat the said Lord Chief Justice, contrary to his Oath, the Duty of his Place, in contempt of the King, his Crown and Dignity, did set at Liberty several persons accused upon Oath before him of High Treason, without their being ever Tryed, or otherwise acquitted; as namely the Lord *Brudenell*, &c.

II.

That at the Tryal of Sir *George Wakeman* and others, at the Sessions-House in the *Old Bayly*, for High Treason, the said Lord Chief Justice (according to the Dignity of his place) managing the said Tryal, did brow-beat and curb Dr. *Titus Oates* and Mr. *William Bedlow*, two of the principal Witnesses for the King in that Case, and encourage the Jury impanelled and sworn to try the Malefactors, against the said Witnesses, by his publick speaking slightly and abusively against them and their Evidence, and the mis-repeating and omitting of material parts of their Evidence, whereby the parties Indicted were by the said Jury acquitted of the Fact then charged against them, and fully proved by the said Witnesses.

III.

That the ſaid Lord Chief Juſtice, after the Tryal of the ſaid Sir *George Wakeman* and others for High Treaſon as aforeſaid, in the further abuſe of the ſaid Dr. *Titus Oates* and Mr. *William Bedlow*, and in their great diſparagement ſpeaking of them, ſaid, That before the Tryal of Sir *George Wakemen* (meaning the aforeſaid Tryal) the Witneſſes (meaning the aforeſaid Dr. *Titus Oates* and the ſaid Mr. *William Bedlow*) were to be believed, but that at and after the ſaid Tryal, they were not to be believed by him, nor ſhould not be believed by him; or to that very effect.

IV.

That the ſaid Lord Chief Juſtice, by reaſon of his Office, hath taken upon him the power to oppreſs by Impriſonment his Majeſties Loyal Subjects, namely *Henry Care*, for writing and cauſing to be printed divers ſingle-ſheet Books in *Engliſh*, called *The Pacquet of Advice from Rome*, for the information and diſcovery of the Idolatrous Errors and Impieties of the *Romiſh* Church, to his Majeſties Loyal and obedient Proteſtant Subjects, (in this conjuncture of time very uſeful) although the ſaid Lord Chief Juſtice neither did, nor could alledge or charge the ſaid *Care* with any thing contained in the ſaid Book, that was any ways criminal or derogatory to his Majeſties Laws, Crown or Dignity; and refuſes to take very good Bail for him, though offered, and afterwards leſs Bail taken for him upon his *Habeas Corpus* in Court: But by the ſaid Lord Chief Juſtice's means, he was continued bound all the Term to his good behaviour, and at the end thereof until the next Term, although no particular Crime was or could be proved againſt him, or laid to his charge.

V.

That to the great oppreſſion of his Majeſties Loyal Subjects, the ſaid Lord Chief Juſtice, contrary to Law, and in manifeſt breach of his Oath, hath without any reaſonable cauſe impriſoned a Feme Covert, and alſo divers other his Majeſties ſaid Subjects, and refuſed to take Bail, though tendred, and the Matter Bailable, as in the caſe of Mrs. *Jane Curtis*, Mr. *Francis Smith*, *&c.*

VI.

That the ſaid Lord Chief Juſtice is very much addicted to Swearing and Curſing in his common diſcourſe, and to drink to exceſs, to the great diſparagement of the Dignity and Gravity of his ſaid place. He did in his common diſcourſe at Dinner at a Gentlemans houſe of Quality, publickly and openly uſe and utter many Oaths and Curſes, and there drink to exceſs.

VII.

That *Charles Price* being accuſed upon Oath, before the ſaid *Lord Chief Juſtice* to be a Popiſh Prieſt and Jeſuit, and Impriſoned for the ſame, and alſo divers other Perſons accuſed upon Oath for High Treaſon, as namely Sir *Francis Mannock*, *Richard Vaughan* Eſq; and *Daniel Arther* Merchant, the ſaid *Lord Chief Juſtice* ſet at large upon Bail, without conſulting his Majeſties Councel, or his witneſſes, and againſt their conſent, divers of which Perſons have not ſince appeared, but have forfeited their Recognizances, and the perſons not to be found.

VIII.

VIII.

That the ſaid *Lord Chief Juſtice*, to the great diſcouragement of his Majeſties Loyal Proteſtant Subjects, to the manifeſt Incouragement of the Roman Catholick Subjects, when Information hath been duly and legally given to him of the aboad, or perſon of a Popiſh Prieſt or Jeſuit, and a Warrant deſired from him to take or ſearch for ſuch Prieſts or Jeſuits; he hath in a ſlighting and ſcornful manner refuſed the ſame, and bid the Informer go to Sir *William Waller*, who buſied himſelf in ſuch matters mainly.

IX.

That at the Tryal of *Knox* and *Lane*, at the *Barr* of the *Kings-Bench-Court*, for their miſdemeanors, in endeavouring to take away the Credit of Dr. *Titus Oates*, and Mr. *William Bedlow*, two of the principal Witneſſes for his Majeſty, in the proving of the Conſpiracy and Conſpirators againſt his Majeſties Life, and Government of theſe Kingdoms of *England*, *Scotland*, and *Ireland*, the deſtruction of the Proteſtants and Proteſtant Religion, and introducing and ſetling of Popery there, although the Evidence was ſo full and clear againſt them, that the Jury found them guilty without going from the Bar; yet the ſaid Lord Chief Juſtice, in further diſcouragement and diſparaging the Evidence of the ſaid Dr. *Titus Oates* and Mr. *William Bedlow*, would not, nor did not give any Charge to the Jury therein, but roſe up ſuddenly, after the Evidence cloſed by the Council, and left the ſaid Court abruptly, before the ſaid Jury had given in their Verdict.

X.

That the ſaid Lord Chief Juſtice, knowing that one *Will. Osborn* was in the Conſpiracy and Contrivance with the ſaid *Knox* and *Lane*, in the laſt Article mentioned, to take away the Credit of the ſaid Dr. *Titus Oates* and Mr. *William Bedlow*, and knowing the ſaid Dr. *Titus Oates* and Mr. *William Bedlow* to be material Witneſſes for his Majeſty, in proving of the Conſpiracy and Conſpirators in the ſaid laſt Article mentioned, and had been ſo againſt ſeveral of the ſaid Conſpirators that had been tryed, and were to be ſo againſt ſeveral others of the ſaid Conſpirators that were impeached or accuſed for the ſaid High-Treaſon, and were to be tryed for the ſame; and knowing the ſaid *Will. Osborn* had been detected before the Lords in Parliament aſſembled, for his ſaid Conſpiracy and Contrivance with the ſaid *Knox* and *Lane*; and that upon his own Oath, thereupon denying the Fact in their ſaid Conſpiracy and Contrivance to be true, yet out of his malice to the ſaid Dr. *Titus Oats*, and Mr. *William Bedlow*, and in as much as in him lay to endeavour the diſparagement, if not the ſuppreſſing of the further diſcovery of that Helliſh and damnable Plot, the ſaid Lord Chief Juſtice, without the knowledge, conſent, or approbation of his Majeſty, or any of his Learned Council in the Law, or the ſaid Dr. *Titus Oates*, or Mr. *William Bedlow*, did voluntarily give the ſaid *Osborn* liberty to make an Affidavit before him upon Oath, of the truth of the ſaid Fact, he had before as aforeſaid denied upon his Oath, with intent that the ſame might be made uſe of againſt the ſaid Dr. *Titus Oates*, and Mr. *William Bedlow*, to their diſparagement, and the apparent prejudice of his Majeſty, againſt the ſaid Conſpirators, in the ſaid High-Treaſon.

XI.

XI.

That he the ſaid Lord Chief Juſtice, to manifeſt his ſlighting opinion of the Evidence of the ſaid Dr. *Titus Oates* and Mr. *William Bedlow*, in the preſence of his moſt Sacred Majeſty, and the Right Honourable the Lords and others of his Majeſties moſt Honourable Privy Council, did dare to ſay, That he had thought that Dr. *Titus Oates* and Mr. *William Bedlow* always had an accuſation ready againſt any body.

XII.

That at the Aſſize holden at *Monmouth* laſt, the ſaid Lord Chief Juſtice, in the preſence of ſeveral Juſtices of the Peace for the ſaid County, did ſay to Mr. *William Bedlow*, that he did believe in his Conſcience, that *Richard Langhorn*, whom he condemned, died wrongfully, to the great diſparagement of his Majeſties Crown and Dignity, the Juſtice of the Court, the Jury and Evidence.

XIII.

That the ſaid Lord Chief Juſtice, contrary to the Dignity of his Place, did make Merchandize of the Trials of certain Prieſts to be tried in *Staffordſhire*, and took twenty Guinneys in earneſt; then ſold the ſaid Trials to other perſons, refuſing to return the ſaid twenty Guinneys to thoſe from whom he had received them. And furthermore, before the Trial of Sir *George Wakeman*, he the ſaid Lord Chief Juſtice did bargain with two Book-ſellers for one hundred and fifty Guinneys for them to Print the Trials, and in caſe they would not lay down the Money before he went into the Court, he would not go into the Court, but would go into the Countrey; and if the ſaid Trial, by reaſon of its length, could not be finiſhed in one day, he would have a hundred Guinneys more, or to that very effect.

THE

THE ANSWER OF Sr William Scroggs Kt

Lord Chief Justice of the *Kings-bench*, TO THE ARTICLES OF Mr. TITUS OATES AND Mr. WILLIAM BEDLOE.

1. TO the first he saith, That the Lord *Brudnell* was Bailed by the Court of the *Kings-bench* in open Court, and afterwards by the Court discharged; with this, That *William Bedloe* did importune the Lord *Westmoreland* to get the said Lord *Brudnell* discharged, for that he had nothing to say against him, as he said to the Lord *Westmoreland*. *Sit the Rules of Court.*

2. To the ſecond he ſaith, That as to his omitting or miſrepeating the Evidence at Sir *George Wakeman*'s Tryal, it is a reflection upon the whole Court, to ſuppoſe it true, and that they ſhould let it paſs. But he ſaith, that Mr. *Oates* being askt at that Tryal why he did not charge Sir *George Wakeman* at the Council-Table with a Letter under his own hand concerning the Death of the King, he anſwered, He did not know but that he did: To which it was replied, It is plain he did not; for then the Council would have committed him. To which Mr. *Oates* replied, That that Council would commit no body for the Plot; which might be the cauſe of the miſdemeanour of frowning in the Articles mentioned.

3. To the third he ſaith, He doth not remember that ever he expreſs'd much concerning their Credit before their Tryal; but that there were ſome paſſages at that Tryal which gave him great cauſe of doubt; which he hopes he might do, without making it an Article of Miſmeanour.

4. & 5. To the fourth and fifth he ſaith, That the Perſons in the Articles mentioned, were committed by him for publiſhing ſeveral Libellous and Scandalous Papers, which were proved againſt them upon Oath; which Commitments, even of a *Feme Covert* alſo, notwithſtanding Mr. *Oates* and Mr. *Bedloe*'s Skill, were according to Law: though there is no Law for theſe perſons to call me to account for Judicial acts done upon other men.

6. To the ſixth, which is an inſolent Scandal, he referreth himſelf to the teſtimony of that Gentleman of Quality, whoever he be.

7. To the ſeventh he ſaith, That the perſons in this Article were Bayled and diſcharged by the Court, where the Attorney-General was firſt called; but indeed Mr. *Oates* and Mr. *Bedloe*'s Conſent was not askt.

8. To

8. To the eighth, he ſaith, He conceives himſelf not obliged to do all the buſineſs that Juſtices of the Peace may do; and though without an offence he might have given ſuch an anſwer as is mentioned, yet he did not, but a ſervant of his did.

9. To the ninth he ſaith, That when the Cauſe was tryed, he told the Jury the matter was plain, and ſo did the reſt of the Court; upon which he went away, without any Complement to Mr. *Oates*, to try Cauſes in *London*.

10. To the tenth he ſaith, that *Osbourne* made onely two Affidavits before him, the ſubſtance of one was, That one *Bowring* a ſervant to Mr. *Oates* had ſaid, that he had heard Mr. *Oates* ſay, That the Kingdom of *England* would never flouriſh, until it became Elective, and the Kings choſen by the People. The other Affidavit was, when he was ſent to him by an Order of Council to be Examined, wherein amongſt other things he Swears, That though at the Tryal of *Knox* and *Lane*, it was asked where *Osborne* was, and Mr. *Oates* his Counſel anſwered that he was fled, yet *Osborne* ſwears, that he at that time was at his Fathers Houſe in the Country, and that Mr. *Oates* knew it; That he took his leave of him the day before he went, and told whither he went, and ſaw a Letter wrote by Mr. *Oates* to his Father to ſend for him; notwithſtanding it was carred at the Tryal as if he had been fled no man knew whither; ſo that the Affidavit which the Article chargeth me for permitting to be made, was not Sworn before me.

11. He ſaith, it is more to be wondred how Mr. *Oates* ſhould dare to Charge that as an Article of Miſdeameanour, which was ſaid in the Kings preſence, and yet repeated falſe too.

12. That at *Monmouth* Aſſizes he did tell Mr. *Bedlo*, that he

he was more unsatisfied about Mr. *Langhorns* Tryal than all the rest; and the rather, for that he was credibly informed since the Tryal, that Mr. *Langhorns* Study was so situated, that he that walked in his Chamber could not see Mr. *Langhorne* write in his Study: which was Mr. *Bedloe's* Evidence.

13. He saith, the matter complained of is a meer Contract with other Men, of which he thinks himself not bound to give Mr. *Oates* and Mr. *Bedloe* any other Account, but that by the taking of Twenty Guinies he lost forty; and that his backwardness to go into Court to *Wakemans* Tryal, makes it look as if he had not had Ten thousand pound to favour *Wakeman* in this Tryal.

If these Articles shall appear to your Majesty to be Frivolous, or Scandalous, or not true; I humbly pray your Majesties just Resentment thereon, in HONOUR TO YOUR COURTS AND GOVERNMENT,

And that such an unknown Attempt may not go unpunished; That the Promoters may be left to be proceeded against according to Law.

The Articles of Dr. *Titus Oates* and Mr. *William Bedloe*, against the Lord Chief Justice *Scrogg*, were heard this 21th of *January*, 1679. before the King and Council; and upon the hearing of both sides, Dr. *Oates* and Captain *Bedloe* are left to be proceeded against according to Law.

FINIS.

276139